



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Shinichiro TANIGUCHI et al.

Application No.: 09/454,865

Filed: December 7, 1999

For: DISTRIBUTION INFORMATION MANAGEMENT SYSTEM AND METHOD

ATTENTION: GROUP DIRECTOR
Technology Center 2100

Group Art Unit: 2136

Examiner: C. COLIN

Docket No.: 104934

PETITION TO WITHDRAW HOLDING OF FINALITY OF OFFICE ACTION

Attention: Group Director of Technology Center 2100
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that the finality of the Office Action dated September 1, 2005 be withdrawn and a new, non-final Office Action issued to provide the required specificity currently lacking in the present Final Rejection. Without such specificity, Applicants are denied their right fully understand and respond to the rejection.

The Office Action, in paragraph 3.1, rejects claims 1-27 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,117,096 to Bauer et al. (hereinafter "Bauer") in view of U.S. Patent Application Publication No. US 2002/0013898 A1 to Sudia et al. (hereinafter "Sudia").

Claim 1 recites, in very detailed manner, 27 individual elements as included in the claimed subject matter. The Office Action attempts to map most of these 27 individual elements to corresponding elements alleged to be disclosed in Bauer. This attempt necessarily fails for the following reason. Attempting to mix the structure and function of the

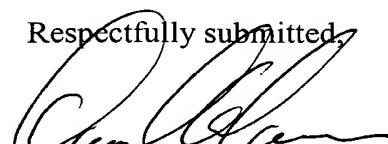
separate units of Bauer to find the structure and function of the separate units in the pending claims requires an overly broad reading of Bauer in an attempt to map each of the features recited in the pending claims to corresponding features disclosed in Bauer. The Office Action groups certain of the above-enumerated elements and uses qualifiers, referring to the disclosure of Bauer, such as "substantially discloses" and "suggests using." The Office Action cites Bauer's "memory card" or "programmable card" as allegedly corresponding to a number of the systems and functions recited in claim 1. The Office Action cites numerous paragraphs, e.g. col. 2, line 47 - col. 3, line 35, as disclosing a single or small number of elements that are recited in claim 1.

Applicants' representative attempted to clarify questions regarding the allegedly corresponding structural elements between Bauer and the pending claims with Examiner Colin during the October 6 personal interview. The Examiner was unable to provide any clarification, for example, when asked to clarify what the control and monitor unit and the memory access card of Bauer were specifically alleged to correspond to in the pending claims, and what element in Bauer was alleged to correspond to the data carrier of the pending claims. The Examiner, in fact, indicated that because Applicants' interview request did not specify an element-by-element review, that the Examiner was not prepared to address this issue.

For at least the above reasons, Applicants have not been afforded the requisite specificity in the rejections of the claims enumerated in the Office Action to adequately respond.

In view of the foregoing, Applicants respectfully request that finality of the September 1, 2005 Office Action be withdrawn and a new, non-final Office Action issued.

Respectfully submitted,



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JAO:DAT

Date: October 20, 2005

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